

**ORIGINAL**

SUIT #

20196384 A

AVOYELLES PARISH  
CLERK OF COURT

2019 FEB -6 AM 11:17

**FLORENCE PIERITE**

**12<sup>TH</sup> JUDICIAL DISTRICT COURT**

**VS.**

**PARISH OF AVOYELLES**

**NATIONAL LIABILITY & FIRE  
INSURANCE COMPANY**

**STATE OF LOUISIANA**

**PETITION FOR DAMAGES**

**TO THE HONORABLE, THE JUDGES OF THE 12<sup>TH</sup> JUDICIAL DISTRICT COURT, SITTING IN AND FOR THE PARISH OF AVOYELLES, STATE OF LOUISIANA.**

The petition of **FLORENCE PIERITE**, a resident and domiciliary of Avoyelles Parish, Louisiana, respectfully represents:

**1.**

Made defendant herein is the following:

**NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, a foreign insurance company authorized to do and doing business in the State of Louisiana, who may be served through its agent for service of process, Louisiana Secretary of State, 8585 Archives Avenue, Baton Rouge, Louisiana 70809.

**2.**

The Defendant is indebted unto your Petitioner, for all amounts reasonable in the premises, together with legal interest from the date of judicial demand, as well as additional damages for penalties and attorney's fees and all costs for the following reasons, to wit:

**3.**

On or about March 2, 2017, petitioner, **FLORENCE PIERITE**, was traveling east bound on Louisiana 29, Avoyelles Parish, Louisiana, slowing to a stop at the intersection of Louisiana Highway 115. On the same date and time, **OMAR R. DARRINGTON**, traveling directly behind petitioner's vehicle, failed to notice petitioner slowing down, and struck petitioner's vehicle, causing a violent collision.

**4.**

The aforescribed accident occurred solely and proximately because of the negligence acts and/or omissions of **OMAR R. DARRINGTON**, which acts and/or omissions consist of the following particulars, which if inconsistent are pleaded in the alternative to wit:

**1. Being inattentive;**

2. Failing to keep a proper lookout;
3. Failing to abide by the rules of the road; and
4. Striking petitioner's vehicle.

**5.**

As a result of the accident-described hereinabove, **FLORENCE PIERITE**, sustained personal injuries, entitling her to damages, general and special, as are reasonable in the premises. Such damages include the following: (1) past, present, and future physical pain and suffering, (2) past, present, and future mental pain and suffering, (3) past, present, and future medical expenses, (4) lost wages, past, present, and future, and (5) loss of enjoyment of life/hedonic damages.

**6.**

At all times pertinent hereto there was in effect a policy or policies of automobile liability insurance issued by Progressive Security Insurance Company to Omar R. Darrington providing coverage for the negligent acts and/or omissions of Omar R. Darrington. The policy limits of \$15,000.00 per person, \$30,000.00 per accident provided in that policy have been recovered and are insufficient to fully compensate **FLORENCE PIERITE** for her injuries and damages.

**7.**

At all times pertinent hereto there was in effect a policy of automobile liability insurance issued by **NATIONAL LIABILITY & FIRE INSURANCE COMPANY** in favor of the petitioner, **FLORENCE PIERITE**, which policy provided for uninsured/underinsured motorist coverage. The defendant, **NATIONAL LIABILITY & FIRE INSURANCE COMPANY** is liable, jointly and in solido, to plaintiff, for all damages as are reasonable in the premises.

**WHEREFORE, PETITIONER PRAYS** that the Defendant **NATIONAL LIABILITY & FIRE INSURANCE COMPANY** be served with a copy of this Petition, that it be cited to appear and answer same, and, after all legal delays and due proceedings had, that there be Judgment herein in favor of **FLORENCE PIERITE** and against the Defendant, **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, in the amount of its uninsured/underinsured motorist policy limits, plus

legal interest from the date of judicial demand until paid, penalties, attorney fees, and all costs.

**FURTHER PLAINTIFF PRAYS** for any and all general and equitable relief to which she is entitled.

RESPECTFULLY SUBMITTED BY:



BY:

CORY P. ROY (Bar Roll #27066)  
BRANDON SCOTT (Bar Roll #33362)  
BENJAMIN D. JAMES (Bar Roll #34402)  
107 North Washington Street  
Post Office Box 544  
Marksville, Louisiana 71351  
(318) 240-7800 – Telephone  
(318) 240-7815 – Facsimile

**PLEASE SERVE:**

**NATIONAL LIABILITY & FIRE INSURANCE COMPANY  
THROUGH ITS AGENT FOR SERVICE OF PROCESS  
LOUISIANA SECRETARY OF STATE  
8585 ARCHIVES AVENUE  
BATON ROUGE, LOUISIANA 70809**

SUIT # \_\_\_\_\_

**FLORENCE PIERITE**

**12<sup>TH</sup> JUDICIAL DISTRICT COURT**

**VS.**

**PARISH OF AVOYELLES**

**NATIONAL LIABILITY & FIRE  
INSURANCE COMPANY**

**STATE OF LOUISIANA**

**REQUEST FOR NOTICE**

**TO THE HONORABLE** Connie Couvillion, Clerk of the 12<sup>th</sup> Judicial District Court, Parish of Avoyelles, Louisiana:

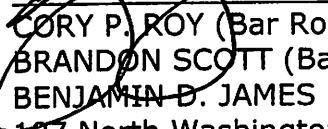
**PLEASE TAKE NOTICE** that BENJAMIN D. JAMES, attorney for the **PLAINTIFF, FLORENCE PIERITE**, does hereby request written notice of the date of trial of the above matter as well as notice of hearings, whether on the merits or otherwise, orders, judgments and interlocutory decrees, and any and all formal steps taken by the parties herein, by the Judge or by any member of Court, as provided for by the Louisiana Code of Civil Procedure, in particular, Articles 1572, 1913 and 1914 thereof.

RESPECTFULLY SUBMITTED BY:



**ROY  
SCOTT  
& JAMES**  
INJURY ATTORNEYS

BY:

  
CORY P. ROY (Bar Roll #27066)  
BRANDON SCOTT (Bar Roll #33362)  
BENJAMIN D. JAMES (Bar Roll #34402)  
107 North Washington Street  
Post Office Box 544  
Marksville, Louisiana 71351  
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SUIT # \_\_\_\_\_

**FLORENCE PIERITE**

**12<sup>TH</sup> JUDICIAL DISTRICT COURT**

**VS.**

**PARISH OF AVOYELLES**

**NATIONAL LIABILITY & FIRE  
INSURANCE COMPANY**

**STATE OF LOUISIANA**

### **INTERROGATORIES**

The following Interrogatories are directed to defendant, **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, to be answered by any officers or agents of the defendant who have knowledge of the inquiries, in writing, under oath, and within thirty (30) days from service of these Interrogatories, according to Louisiana Code of Civil Procedure, Article 1491, et seq.

#### **INTERROGATORY #1:**

State your name, address, and official position and tenure with the defendant.

#### **INTERROGATORY #2:**

State the policy number of all contracts and insurance which were in full force and effect on March 2, 2017, which provided coverage for all or part of the claims asserted in the captioned matter, together with the effective dates of the policies and limits of liability.

#### **INTERROGATORY #3:**

Based on your investigation of this matter, are there any policies of insurance with any insurance company other than **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, which provide coverage for all or part of the claims asserted in the captioned matter? If the answer to the preceding question is yes, state the name(s) of the insurance company(ies), the policy number(s), the name of the insured(s), the effective date(s) of the policy(ies) and the limits of liability of the policy(ies).

#### **INTERROGATORY #4:**

State whether or not there is excess coverage over and beyond the policy with defendant, **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**.

#### **INTERROGATORY #5:**

Do defendants know of any person believed or understood by defendants to be eyewitness(es) to the accident or to the events leading up to the accident? If so, as to each such person, state the following:

- A. Name;
- B. Telephone number;
- C. Present or last known address;
- D. Present or last known employer and employer's address;
- E. If a witness to the accident, his exact location at the

time of the accident.


**INTERROGATORY #6:**

Has the defendant, **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, made any payments to any persons as a result of personal injuries, property damages, or any other type damages, as a result of this accident? If so, please state the person paid and the amount paid, and whether the amounts paid were for payment of bodily injury or property damage.

RESPECTFULLY SUBMITTED BY:



BY:

  
CORY P. ROY (Bar Roll #27066)  
BRANDON SCOTT (Bar Roll #33362)  
BENJAMIN D. JAMES (Bar Roll #34402)  
107 North Washington Street  
Post Office Box 544  
Marksville, Louisiana 71351  
(318) 240-7800 - Telephone  
(318) 240-7815 - Facsimile

**SHERIFF, PLEASE SERVE WITH PETITION**

SUIT # \_\_\_\_\_

**FLORENCE PIERITE**

**12<sup>TH</sup> JUDICIAL DISTRICT COURT**

**VS.**

**PARISH OF AVOYELLES**

**NATIONAL LIABILITY & FIRE  
INSURANCE COMPANY**

**STATE OF LOUISIANA**

**FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

**TO: NATIONAL LIABILITY & FIRE INSURANCE COMPANY  
THROUGH ITS AGENT FOR SERVICE OF PROCESS:  
SECRETARY OF STATE, STATE OF LOUISIANA  
8585 ARCHIVES AVENUE  
BATON ROUGE, LOUISIANA 70809**

**PLEASE TAKE NOTICE** that the plaintiff in the referenced matter, herein request production, for purposes of inspection, viewing, copying, reproducing, and photocopying, of the following materials, which are pertinent to the captioned litigation; and said materials are to be produced at the office of Benjamin D. James, Attorney at Law, 107 North Washington Street, P.O. Box 544, Marksville, Louisiana, 71351, within 30 days from the receipt of this Motion:

A certified copy of any insurance policy issued by **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, providing uninsured/underinsured coverage for **FLORENCE PIERITE**, and which was in effect on March 2, 2017.

RESPECTFULLY SUBMITTED BY:



BY: \_\_\_\_\_

**CORY P. ROY (Bar Roll #27066)  
BRANDON SCOTT (Bar Roll #33362)  
BENJAMIN D. JAMES (Bar Roll #34402)  
107 North Washington Street  
Post Office Box 544  
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**SHERIFF PLEASE SERVE WITH PETITION**



CITATION

FLÖRENCE PIERITE

Vs.

NATIONAL LIABILITY & FIRE INSURANCE  
COMPANY



Case: 2019-00006384  
Division: A  
12<sup>th</sup> Judicial District Court  
Parish of Avoyelles  
State of Louisiana

To: NATIONAL LIABILITY & FIRE INSURANCE COMPANY  
THROUGH KYLE ARDOIN, LOUISIANA SECRETARY OF STATE  
8585 ARCHIVES AVENUE  
BATON ROUGE, LA 70809

**YOU ARE HEREBY CITED** to appear in the office of the Clerk of said Court, in the City of Marksville, Parish aforesaid and comply with the demand contained in the petition, of which a copy is hereto annexed, or make an appearance, in writing, by filing a pleading or otherwise in the Office of said Clerk within FIFTEEN (15) days after the service hereof, under penalty of default.

**WITNESS** the Honorable **JUDGES** of our said Court on Wednesday, February 06, 2019.

Connie B. Couvillon  
Clerk of Court

O/P

Deputy Clerk of Court

Attorney  
BENJAMIN JAMES  
These documents mean you have been sued.  
Legal assistance is advisable and you should contact a lawyer immediately.  
**JUDGES AND COURT PERSONNEL ARE NOT PERMITTED TO GIVE LEGAL ADVICE.**

**SHERIFF'S RETURN**

**PERSONAL SERVICE**

**Received** the above citation, a certified copy thereof, and a certified copy of the petition

**Filed on** \_\_\_\_\_  
**Date Served** \_\_\_\_\_  
**In person to** \_\_\_\_\_  
**Deputy Sheriff** \_\_\_\_\_

**DOMICILIARY SERVICE**

**Received** this citation, a certified copy thereof, and a certified copy of the petition

**Filed on** \_\_\_\_\_  
**Date Served** \_\_\_\_\_  
**Served to** \_\_\_\_\_  
A person apparently above the age of sixteen years residing at the said domicile as a member thereof from which, at the time of said service, the above named individual was absent.  
**Deputy Sheriff** \_\_\_\_\_



CITATION

FLORENCE PIERITE

Vs.

NATIONAL LIABILITY & FIRE INSURANCE  
COMPANY



AVOYELLES PARISH  
CLERK OF COURT

19 FEB 26 AM 8:41

Case: 2019-00006384

Division: A

12<sup>th</sup> Judicial District Court

Parish of Avoyelles

State of Louisiana

To: NATIONAL LIABILITY & FIRE INSURANCE COMPANY  
THROUGH KYLE ARDOIN, LOUISIANA SECRETARY OF STATE  
8585 ARCHIVES AVENUE  
BATON ROUGE, LA 70809

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**WITNESS** the Honorable **JUDGES** of our said Court on Wednesday, February 06, 2019.

Connie B. Couvillon  
Clerk of Court

Deputy Clerk of Court

O/P

Attorney

BENJAMIN JAMES

These documents mean you have been sued.

Legal assistance is advisable and you should contact a lawyer immediately.

**JUDGES AND COURT PERSONNEL ARE NOT PERMITTED TO GIVE LEGAL ADVICE.**

**SHERIFF'S RETURN**

**PERSONAL SERVICE**

Received the above citation, a certified copy thereof, and a certified copy of the petition

Filed on

Date Served

In person to

Deputy Sheriff

I made service on the named party through the  
Office of the Secretary of State on

FEB 18 2019

by tendering a copy of this document to  
KATHY DARDEN

D.E. CUMMINS #1155

DOMICILIARY SERVICE

RECEIVED

FEB 16 2019

Received this citation, a certified copy thereof, and a certified copy of the petition

Filed on

Date Served

Served to

A person apparently above the age of sixteen years residing at the said domicile as a member thereof from which, at the time of said service, the above named individual was absent.

Deputy Sheriff

E.B.R. SHERIFF'S OFFICE

[ RETURN COPY ]